

REMARKS/ARGUMENTS

Claims 2-26 are currently pending in this application. Claims 16-26 have been added. Claim 1 has been canceled.

By way of summary, Claim 2 has been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 2, 4 and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese document number 2000-16743. Claims 1-3 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese document number 2001-039663. Claims 3, 11, 12, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese document number 2000-16743. Claims 5 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese document number 2001-16743 in view of Japanese document number 9-278340. Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese document number 2000-16743 in view of Japanese document number 10-111276. In addition, Claims 8 and 9 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including limitations of the base claim and any intervening claims.

At the outset, Applicant would like to thank the Examiner for the early indication of allowable subject matter of Claims 8 and 9. In response to the Official Action, Claims 8 and 9 have been rewritten in independent form.

In response to the rejection of Claim 2 under 35 U.S.C. § 112, second paragraph, Claim 2 has been amended to state that the mold is capable of bonding to an upper surface of the handrail, as suggested on page 2 of the Official Action. Accordingly, Applicant requests that the rejection of Claim 2 under 35 U.S.C. § 112, second paragraph be withdrawn.

In response to the rejection of Claims 1, 2, 4, and 10 under 35 U.S.C. § 102(b) as being anticipated by Japanese document number 2000-16743, Claim 1 has been canceled, Claims 2 and 4 have been rewritten to depend from allowed Claim 8. With regard to the rejection of Claim 10, Claim 10 has been rewritten to also include the limitations of allowed Claim 8. Accordingly, Applicant requests that the rejection of Claims 1, 2, 4, and 10 be withdrawn.

In response to the rejection of Claims 1-3 and 6 under 35 U.S.C. § 102(b) as being anticipated by Japanese document number 2001-039663, Applicant notes that Claims 2 and 6 have been amended to depend from allowed Claim 8. Claim 1 has been canceled. Claim 3 has been rewritten in independent form.

The Official Action takes the position on page 3 that the Japanese document number 2001-039663 teaches a magnetic fixing means as part of fixing means 4. From Applicant's review of the reference, Applicant finds no description of a magnetic fixing means as part of the fixing means 4. The Official Action refers to the PCT Search Report as the basis for this limitation. However, the Search Report refers to paragraphs [0012]-[0020] and Figs. 1-4 of the reference. Further, a downloaded machine translation of the reference from the JPO website includes no description of a magnetic fixing means. A copy of the reference is included with the amendment. Accordingly, Applicant believes that the rejection of Claim 3 under 35 U.S.C. § 102(b) as anticipated by Japanese document number 2001-039663 is in error and should be withdrawn.

In response to the rejection of Claims 3, 11, 12, 14, and 15 under 35 U.S.C. § 103 as being unpatentable over Japanese document number 2000-16743. The Official Action (page 4) asserts the obviousness of the magnetic mounting means. However, the fact that magnetic mounting means is deemed to have been obvious to an artisan by the Official Action does not address the issue of why it would have been obvious to provide magnetic mounting means in

the device of Japanese document number 2000-16743. The Official Action has provided no reason why a magnetic mounting means would be included in Japanese document number 2000-16743. Because the Official Action fails to set forth a reasonable basis for the rejection, Applicant requests that the rejection of Claim 3 be withdrawn.

With regard to Claims 11, 12, 14, and 15, these claims depend from Claim 10 which has been amended to include the limitations of allowed Claim 8. Accordingly, Applicant requests that the rejection of Claims 11, 12, 14 and 15 be withdrawn.

In response to the rejection of Claims 5 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Japanese document number 2000-16743 in view of Japanese document number 9-278340, Applicant notes that Claim 5 has been amended to depend from allowed Claim 8 and Claim 13 depends from Claim 10 which has been amended to include the limitations of allowed Claim 8. Accordingly, Applicant requests that the rejection of Claims 5 and 13 be withdrawn.

In response to the rejection of Claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Japanese document number 2000-16743 in view of Japanese document number 10-111276, Applicant notes that Claims 6 and 7 have been amended to depend from allowed Claim 8. Accordingly, Applicant requests that the rejection of Claims 6 and 7 be withdrawn. In addition, Applicant notes that Claims 2 and 4-7 have been amended to directly or indirectly depend from allowed Claim 8. Moreover, new Claims 16-20 contain the same limitations as Claims 2 and 4-7 but depend from allowed Claim 9. Furthermore, new Claim 21 recites the limitations of Claim 10 plus the limitations of allowed Claim 9. New Claims 22-26 contain the same language of Claims 11-15 but depend from Claim 21.

From all of the above, Applicant submits that all issues have been resolved and that the application is in condition for allowance. An early indication to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Eckhard H. Kuesters', written over a horizontal line.

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